

**DRAFT**  
**TUSAYAN PLANNING & ZONING COMMISSION MEETING**  
PURSUANT TO A.R.S. § 38-431.02 & §38-431.03  
Continued Meeting of October 13, 2011 @ 6:00 P.M. to be held  
**October 17, 2011@ 6:00 P.M.**  
Best Western Squire Inn, Zuni Conference Room  
74 State Route 64, Tusayan Arizona

**TUSAYAN TOWN PLANING & ZONING COMMISSION MEETING**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairman Bryan called the meeting back to order at 6:02pm on and the Pledge of Allegiance was recited.

**2. ROLL CALL**

On roll call, the following were present:

**CHAIRMAN G. BRYAN**  
**COMMISSIONER MANIACI**

**COMMISSIONER MONTOYA**  
**COMMISSIONER RUETER**

The following were also present:

Town Manager Ochoa  
Town Clerk Sutton  
Town Lawyer Sims  
Special Project Planner Reddie  
Office Assistant Garver  
Special Project Team Leader Tim Pickering

Commissioner Rueter recused himself from any discussions due to his relationship with Camper Village, as they are his employers.

**3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

No public comments were made at either meeting

**4. Approval of Minutes**

No minutes were approved.

**5. PUBLIC HEARING**

**Proposed Zoning Adoption for the Annexation of Ten X and Surrounding Properties**

**1) Open Public Hearing on Equivalent Zoning**

**2) Staff Report**

Mark Ready, Town Planner, presented a Power Point presentation as the staff report. It is posted on the Town website and is available for referral.

**3) Public Comment**

Carolyn Oberholtzer of Rose Law Firm, attorney for Red Feather Properties and represents the Thurston family, stated that the Ten X annexation was the key to

the developers plan. She was concerned that the 5700 acres that would be annexed would be costly as the Town would become responsible for the road maintenance and civil services.

Chris Thurston, as a public citizen, that he thought that the Ten X property was not the only property that was in need of cultural surveys.

John Vail stated that he was here the last time DePaulo was defeated by the County. He said that the developers promised affordable housing, not mass commercial development. With current zoning, Camper Village could create the housing that is needed. John said that he was not against zoning but that the annexation would make Tusayan 36 times its present size.

Brent Kok said that he was in support of the development. The lack of housing and opportunities is a concern to him and he felt that the diversity that would come from the development would give the community opportunities.

.Sharyl Allen said that the annexation had a ripple effect on the community. She reminded the Council that the decisions that were made would affect the adults and children of the community. The consideration of the school district needed to be taken into account and the real estate taxes drive the school district's budget. There has been no talk of the impact on the School District.

Tim Uqualla of the Havasupai Tribe Council spoke in opposition to the annexation. There has been no cultural studies done and their Council wanted to bring the elders out to map out where there had been home and burial site or any traditional areas on the Ten X and Kotzin ranch. He also expressed concern about water and that there was not plan. It would affect the Havasupai Tribe eventually.

Jay Weiner, Water Council for the Havasupai Tribe, stated that the decision that was being made was hasty and that the Tribe felt that the Council was being uncooperative as the tribe had not been consulted as of late. He said that developments have to have access to water. The tribe has extensive water rights. It is the lifeblood and the economic livelihood of the Tribe. The Havasupai's are willing to work in cooperation if they are part of the talks.

Edmond Tilousi, Vice Chairman of the Havasupai Tribe, said that this was the homeland of his ancestors and requested that prior to development that the cultural properties are looked in to and studies done. It could be detrimental to their religious and cultural values.

#### **4) Close or Continue the Public Hearing on Equivalent Zoning**

The Public Hearing was continued.

### **6. PUBLIC HEARING**

**Zoning Ordinance Text Amendment, Modifying Section 13.3-3.C of the Tusayan Zoning Ordinance. This section would be modified to read: *"The area contained within a proposed PC Zone shall not be less than 10 acres."***

#### **1) Open Public Hearing on Text Amendment**

#### **2) Staff Report**

Mark Reddie, Town Planner, presented a Power Point presentation as the staff

report. It is posted on the Town website and is available for referral.

### **3) Public Comment**

Carolyn Oberholtzer stated that the developers have requested zoning text amendment and that the commission has one chance to get it right, otherwise it could be problematic. It does not allow for flexibility and the zoning runs with the land and not with the document. She asked what is in the document.

Tim Uqualla said that he was against change and thought there was no need to change anything just to develop the land.

Jay Weiner stated that the commission was making a full time deal and there had not been enough study for this type of project.

### **4) Close or Continue the Public Hearing on Proposed Zoning**

The Public Hearing was continued.

## **7. PUBLIC HEARING**

### **Request to Rezone Camper Village, a 19.3 acre property, from RM/10A and CG-10,000 to Planned Community Zone.**

#### **1) Open Public Hearing on Rezoning Camper Village**

#### **2) Staff Report**

Mark Reddie, Town Planner, presented a Power Point presentation as the staff report. It is posted on the Town website and is available for referral.

#### **3) Public Comment**

Carolyn Oberholtzer that her office has over 50 years of experience in land use. She said that it is very difficult to catch everything but as this has been read over and over again, items are picked up. In order for the developer's plans to go through, the zoning did not need to change, but it did need to be changed to meet current uses. The plans have legal access right through her client's property and there is currently no public access through the property. There is a request to change the definition of hotel to state that a room can be inhabited for 6 months, it currently states 30 days maximum stay. The large garages that will be behind current buildings have no stipulations on their appearance. There is no clear definition or limits on entertainment or leisure area. The commission is giving a blank check to the developers. Carolyn suggested that the design guidelines be more extensive, to preserve the amendment process and said that codes required the commission make these findings.

Gioia Goodrum, Williams Chamber of Commerce, asked if the commission had looked into the effect on the land adjacent to them, Williams and their surrounding neighbors. It would affect them negatively.

Chris Thurston said that without a water analysis, this is rush to judgment to get it done. He asked where is the water coming from and it should be looked at. A promised application for a CC&N is not a good enough answer.

Sharyl Allen said that the elements that were in the letter from the School District that was submitted to the town have not been addressed yet. She said that the

reason of the low turn out to the meeting could be that there were two dates on the invitation. Sharyl asked if the commission had considered the possible ripple effect to the youth and whether the new entertainment and leisure would create truancy and substance abuse. She was wondering if our moral compass would be lost.

Jay Weiner stated that all the uncertainties have not been laid out. He questioned what the future of Tusayan is and had the commission worked with their neighbors as the development would affect the whole plateau. He asked that the commission work with the Havasupai Tribe to work together on a reasonable and attainable goal because what it presented right now was not the answer.

Edmond Tilousi stated that he felt it was a rush to judgment. He asked if it had been passed by Williams or Flagstaff. He stated that Williams would never grow past its current population because it historically never has.

#### **4) Close or Continue the Public Hearing on Rezoning Camper Village**

The Public Hearing was continued.

### **8. PUBLIC HEARING**

#### **Request to Rezone Kotzin Ranch, a 160 acre property, from General to Planned Community Zone.**

##### **1) Open Public Hearing on Rezoning Kotzin Ranch**

##### **2) Staff Report**

Mark Reddie, Town Planner, presented a Power Point presentation as the staff report. It is posted on the Town website and is available for referral.

##### **3) Public Comment**

Carolyn Oberholtzer said that the definitions used in the application for the Kotzin Ranch also had definition problems. Gross acreage from net acreage allows for denser development and the commission was not getting a full picture of how dense it would be. She was concerned about the residential standards, that there were not enough restrictions or limitations. The massive slopes on this property should have a slope disturbance ordinance, there were no traffic studies done in reference to the impact on what affect the additional traffic due to local roads and the highway.

Clarinda Vail asked if any research had been done on what the impact that the 8060 new residents would have on the water and where it was coming from. This was a huge growth to quickly.

Sharyl Allen said that the Kotzin Ranch is near to the School District's borders and the residential educational impact could be substantial. The School District is currently considered a small school district and they receive funding because of it. Once the high school goes over 100, the District loses its funding, which is \$900,000, a third of the Districts funding. Also, there is a cap on how many children the current site can serve and they would be in a position of looking at a new building.

Tim Uqualla stated that the Kotzin Ranch is a traditional Havasupai land area. They recently have had to rebury remains from one area and he did not think disturbing things are right. He suggested that the development grow a little bit at a time and asked the commission to not be too hasty.

Eva Kissoon thanked the commission for letting the Tribe speak. She is opposing all three properties and suggested that any proposed properties would need water and sewer in place. Water was a huge part of the Havasupai's culture and economic survival as they are dependent on it for their tourism, the children play in the falls, and they water their crops with it and live off of it. She asked that the process not be rushed.

Jay Weiner stated that he had concerns about the uncertainty of the project, the lack of restraints, and the lack of definitions.

Edmond Tilousi asked if studies had been made on the wildlife impact as the Big Horn Sheep and Mule Deer are very dear to his people. Had any studies been done on the impact to their habitat.

#### **4) Close or Continue the Public Hearing on Rezoning Kotzin Ranch**

The Public Hearing was continued

### **9. PUBLIC HEARING**

#### **Request to Rezone Ten X Ranch, a 194.6 acre property from General to Planned Community Zone.**

##### **1) Open Public Hearing on Rezoning Ten X Ranch**

##### **2) Staff Report**

Mark Reddie, Town Planner, presented a Power Point presentation as the staff report. It is posted on the Town website and is available for referral.

##### **3) Public Comment**

Carolyn Oberholtzer said that the Ten X Ranch was unique and that the application was requesting the rezoning of 500,500 acres. Again, there were definition changes needed for density and hotel. With the current access road, the development could potentially become a giant cul-de-sac with a canyon effect. This document applies to the next person. She questioned how the residents were going to access this property; there were drainage problems and unique fire issues. If the annexation went through and it was developed, she asked if the town was being responsible. She requested that the commission preserve what the document said and that the application did not meet the legal test as there had not been enough information provided on the safety and health of the community, nor the impact on the Highway 64.

Clarinda Vail stated that at least one landfill would be within the annexation borders possibly two and asked what impact that it would have on the water. No traffic studies had been done on the on season, off season impact this annexation would have. She said that there were 13 individuals who were against and none for.

Sharyl Allen said that with the current plans that the impact to the schools would be an additional 1500 students and asked if the developer had considered the impact on the District. Historically, developers have donated lands for schools and charter schools have accepted the lands, and then sold them. During the incorporation, it was all about the families. Being about families is more than a home, its communities, churches, and community centers. She reminded the commission that what is most important is the people and that there are things you can legally do

and but shouldn't morally do.

Jay Weiner stated that he had the same concerns as Carolyn and that there were not enough constraints for comfort. Chairman Bryan asked him what he and the Havasupai Tribe Council had as an expectation of collaboration, as this was the first time that the P&Z board had had a public hearing on this. It was not the intention of the commission to neglect or be offensive the Havasupai, but to be respectful of their opinions. Mr. Weiner said that the interplay between the Federal and State water usage rights was complex and the tribe was adverse to any development with future water rights.

Edmond Tilousi requested that the Town look for meaningful consultations before a shaft goes into the ground. He reiterated that the Tribe wanted what the Town wanted. Chairman Bryan said that this was the first time for openness for everyone.

#### **4) Close or Continue the Public Hearing on Rezoning Ten X Ranch**

The Public Hearing was continued

At 8:59pm, the Chairman requested a break and the meeting came back to order at 9:17pm.

Manjula Vaz, of the law firm Gammage and Burnham representative of Stilo and Tom De Paolo, were given a time to respond to the concerns and questions that were brought up during the public hearing. The definition of hotel would be revised to 30 days and the definition of entertainment would change so it is not open ended. The developer would work with the school district to secure school funding, that they had met with them a few times and that they were fairly close to a memo of understanding. It was stated that there was legal access, an easement, in place off of Camper Village.

The Public Citizen Participation Plan and report will be placed on the Town website. It tracks every element that is necessary for the process. The applicant's open houses were advertised by a posting on September 23, 2011, a mailing on September 26, 2011 and advertised in the newspaper on September 28, 2011.

The communities concerns are listed on pages 21 through 32 on the PowerPoint presentations and there have been changes that are a direct result of the communities' participation. Tusayan's zoning requires this type of meeting and it has been satisfied.

State law indicates that schools cannot be written a blank check. The developer can enter into donation agreements and the Town cannot obligate the developer to give money to the school, but the Town can reserve land for the school.

The zoning for Kotzin Ranch and Ten X Ranch will revert back to its original zoning if the developer has not met the requirements that the Town has set out for it. Camper Village will not. The Site Plan will address many of the issues that were brought up. There will be interim housing in the meanwhile.

Commissioner Maniaci said that the town needed to focus on moving forward. She wanted to see the community have a place of worship or a community center. The definition of adequate water supply needed to be clarified and a concrete solution needed to be supplied. She asked if there would be space for roads and a viable

bike path with the density of the development that is planned. What was the timeline of growth?

The CC&N was an asset that can be purchased by the Town and it would be the beginning of a water solution. Once the developer got one, the Town would have first right of refusal. The developer would have to use their funds to discover a water solution. It was clarified that the definition for adequate water supply is sufficiently providing a variety of source options for at least a 100 years. The developer, within the first 30 days, would have to apply for a CC&N and they would have to demonstrate that they would charge reasonable rates and meet Federal requirements.

The Ten X annexation is a large annexation due to State requirements. It is currently under the Forest Services' jurisdiction and is their responsibility to care for. Once the annexation of Ten X took place, due to the zoning change, the tax income would increase. Currently, the County receives all taxes on it. The landfill was cut out of the parcel and it will not be part of the Town.

The Traffic Impact Analysis would drive the street classifications as well as a subdivision ordinance. The square footage proposed is very feasible. This is the plan the applicant has proposed but the Town can define how dense they want it. The applicant was attempting to keep the downtown area more rural and keep an urbane core to the development. The building codes and site plans will have lots of restrictions. When an application is created, a maximum density is proposed to start the process. The studies then redefine what is possible to build. The proposed density is less than what the Town currently has. The developer does not anticipate the growth of 5500 to 6000 residents for 25 years, the 8000 number is not accurate, and that is with a full build out which is unlikely to happen as they will be unable to achieve the densities planned.

Infrastructure has to take place and there will be rolling lots. When twenty five lots are sold, then another subdivision will be up for sale. Meanwhile, the town will have received 40 acres to build their own housing and will have infrastructure to it. The commercial development is driven by the housing benchmarks that will have to be met.

Chairman Bryan requested that wording be placed that there be placed a maximum percentage of park models be placed in the SFR1 so that a real neighborhood be created. He also asked if kiosks will be allowed in the commercial areas and if the concept for restaurants with take-out food is in the plan. The site plan would dictate that as well as the permit process. Provisions in the site plan could also require religious institutions to exit on to collector streets.

Commissioner Maniaci asked if there are safeguards in place if the developer were to sell to someone so that there would be restrictions on them building a heavy density on the land. The purchasers would have to show the ability to perform, they would agree to certain standards and the Town can adopt additional ordinances.

10. **Discussion and possible approval of recommendation to the Tusayan Town Council regarding Proposed Equivalent Zoning in connection with the Annexation of Ten X and Surrounding Properties.**
11. **Discussion and possible approval of recommendation to the Tusayan Town**

**Council regarding Zoning Ordinance Text Amendment, Modifying Section 13.3-3.C of the Tusayan Zoning Ordinance. This section would be modified to read: "The area contained within a proposed PC Zone shall not be less than ~~25~~ 10 acres."**

- 12. Discussion and possible approval of recommendation to the Tusayan Town Council regarding Request to Rezone Camper Village, a 19.3 acre property, from RM/10A and CG-10,000 to Planned Community Zone.**
- 13. Discussion and possible approval of recommendation to the Tusayan Town Council regarding Request to Rezone Kotzin Ranch, a 160 acre property, from General to Planned Community Zone.**
- 14. Discussion and possible approval of recommendation to the Tusayan Town Council regarding Request to Rezone Ten X Ranch, a 194.6 acre property from General to Planned Community Zone.**

**16. SET AGENDA ITEMS FOR NEXT MEETING**

- 13. MOTION TO ADJOURN OR TO GO INTO EXECUTIVE SESSION for the following purpose:**

The Council did not adjourn into executive session.

- A. The Planning and Zoning Commission may wish to go into Executive Session pursuant to A.R.S. Section 38-431.03.A.3 and A.4 in order to receive legal advice concerning items on the agenda and to instruct staff and the Town Attorney concerning negotiations of the Pre-annexation and Development Agreement with Stilo Development Group USA.**

**17. ADJOURNMENT OF PLANNING AND ZONING COMMISSION MEETING**

The Planning and Zoning Commission Meeting was continued to Monday, October 24, 2011 at 6:00pm in the Zuni Conference Room.

Commissioner Montoya moved to adjourn the meeting.  
Commissioner Maniaci seconded the motion. All were in favor.  
The meeting adjourned at 10:40pm.